

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

BRIANNA MCCARTY,)	
)	Case No. 22-cv-5751
Plaintiff,)	
)	
vs)	
)	Honorable Mary Rowland
)	
THE VILLAGE OF LAKEMOOR and)	
CHIEF DAVID GODLEWSKI, Individually and)	
in his Official Capacity)	
)	
Defendants.)	

INITIAL JOINT STATUS REPORT

The Parties, Plaintiff, Brianna McCarty, and Defendants, Village of Lakemoor and David Godlewski, Chief of Police for Village of Lakemoor, submits the following initial status report, in accord with this Court's Order:

I. Nature of Case

A. Attorneys

- i. Plaintiff Brianna McCarty, Daniel Q. Herbert, lead counsel.
- ii. Defendants Village of Lakemoor and David Godlewski, Dominick L. Lanzito, lead counsel

B. Plaintiff asserts violations of federal statutes and federal jurisdiction exist to resolve questions of federal law.

C. Plaintiff brings a five-count complaint against Village of Lakemoor and David Godlewski, Chief of Police for Village of Lakemoor for violations of the Americans with Disabilities Act.

There are no counterclaims.

D. Plaintiff seeks reinstatement to her former position, compensatory damages including back wages, and attorney's fees.

E. The major legal and factual issues anticipated in the case is Plaintiff disabled under the ADA, was Plaintiff terminated because of her disability, could Plaintiff perform the essential duties of her job with or without a reasonable accommodation?

F. All parties have been served.

II. Discovery and Pending Motions

A. The type of discovery that is needed is written and deposition.

B. The following dates are proposed for:

- i. Rule 26(a)(1) disclosures by January 30, 2023.
- ii. Issuing the first set of written discovery requests by January 30, 2023.
- iii. Fact discovery to be completed by September 1, 2023.

C. Plaintiff anticipates there to be expert discovery.

Defendants anticipate there to be expert discovery.

D. The Village of Lakemoor and David Godlewski have filed a motion to dismiss. The briefing schedule is as follows:

- i. Plaintiff's Response to Defendants' Motion to Dismiss is due January 17, 2023.
- ii. Defendants' Reply in Support of their Motion to Dismiss is due February 7, 2023.
- iii. Defendants have served a Rule 11 Safe Harbor letter and an accompanying motion for sanctions. Defendants anticipate filing a motion to stay discovery pending the ruling on the motion to dismiss due to the nature of the motion to dismiss, the full duty disability pension awarded to Plaintiff as a result of her application for a disability pension on April 29, 2019, and the other legal arguments set forth in the motion to dismiss.

E. Parties do not oppose receiving service of pleadings and other papers by electronic means.

III Trial

A. There is a jury demand on this case.

B. Parties anticipate being ready for trial by following the ruling on a motion for summary judgment, for any claims remaining after the ruling for the motion to dismiss.

C. The length of trial is anticipated to last one week.

IV. Consent and Settlement Discussions

A. The parties do not consent to proceed before the Magistrate Judge.

B. There has been no settlement discussions between the parties.

C. The parties do not request a settlement conference before the Court or the Magistrate Judge at this time.

Dated: January 9, 2023

Respectfully submitted,

Brianna McCarty

By: /s/Daniel Q. Herbert
Daniel Q. Herbert

Herbert Law Firm
53 W. Jackson, Suite 964
Chicago, IL 60604
312-655-7660
Dan.herbert@danherbertlaw.com

**Defendants Village of Lakemoor and
David Godlewski**

By: /s/ Dominick L. Lanzito
Dominick L. Lanzito

Peterson Johnson & Murray LLC
200 West Adams St, Suite 2125
Chicago, IL 60606
312-724-8024
dlanzito@pjmlaw.com